

demnation of 332 cans of frozen egg yolks, remaining in the original unbroken packages at Rochester, N. Y., consigned by Sherman White & Co., Fort Wayne, Ind., alleging that the article had been shipped from Fort Wayne, Ind., on or about April 25, 1930, and had been transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Packed at Fort Wayne, Ind. Keith's Eggs Ovisco 10 Lbs."

It was alleged in the libel that the article was adulterated in that sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Eggs" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 6, 1931, H. J. Keith Co. (Inc.), Rochester, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant to be relabeled under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$3,700, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18564. Adulteration and misbranding of frozen egg yolks. U. S. v. 153 Cans of Frozen Egg Yolks. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26276. I. S. No. 24479. S. No. 4611.)

Samples of frozen egg yolks from the shipment herein described having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 153 cans of frozen egg yolks at Chicago, Ill., alleging that the article had been shipped by the Land O'Lakes Creameries (Inc.); from Minnesota Transfer, Minn., September 27, 1930, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Frozen Egg Yolks."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted partly for the said article.

Misbranding was alleged for the reason that the statements on the label, "Egg Yolks," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1931, the Land O'Lakes Creameries (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be properly labeled, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18565. Adulteration of dried cherries. U. S. v. 137 Boxes of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26264. I. S. No. 22021. S. No. 4502.)

Samples of dried cherries from the shipment herein described having been found to be moldy, insect contaminated, and dirty, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On April 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 137 boxes of dried cherries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Otzen Packing Co., for the account of F. M. Burnham & Co., from San Francisco, Calif., on or about March 14, 1931, and had been transported from the State of California into the State of Maryland, and charging adulteration in viola-

tion of the food and drugs act. The article was labeled in part: "H. H. Roy, Baltimore, * * * California Dried Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 26, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18566. Adulteration of frozen whole eggs. U. S. v. 400 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26245. I. S. No. 28343. S. No. 4567.)

Samples of frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cans of frozen whole eggs, remaining in the original unbroken packages at Rochester, N. Y., consigned by the Fairmont Creamery Co., alleging that the article had been shipped from Crete, Nebr., on or about March 14, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fancy Fairmont's Frozen Fresh Eggs. * * * Packed by The Fairmont Creamery Co., * * * Omaha, Nebr. Whole Eggs."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed animal substance.

The Fairmont Creamery Co., Omaha, Nebr., filed its claim and answer admitting that a portion of the article was adulterated, but averring that the product could be sorted and the portion fit for food determined, and that the remainder could be used in the leather and tanning industries. On April 20, 1931, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the claimant, to be examined and sorted under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18567. Adulteration of canned frozen whole eggs. U. S. v. 91 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26250. I. S. No. 24478. S. No. 4581.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 91 cans of frozen whole eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., February 27, 1931, and had been transported from the State of Tennessee into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance.

On May 29, 1931, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for inspection and sorting under the supervision of this department, upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18568. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. & D. No. 26225. I. S. No. 20273. S. No. 4542.)

Samples of poultry from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.